

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARYBETH PIZZO,

Plaintiff,

v.

ORDER
04-CV-114A

HSBC USA, INC.,
HSBC BANK USA and
NEAL BEASLEY,

Defendants.

The above-referenced case was referred to Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 27, 2007, Magistrate Judge Feldman filed a Report and Recommendation, recommending that defendants' motion for summary judgment be granted in part and denied in part. Specifically, the Magistrate recommended that defendants' motion to dismiss plaintiff's FMLA causes of action against the corporate and individual defendant be denied and their motion for dismissal of plaintiff's claim for intentional infliction of emotional distress be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), the Report and Recommendation of Magistrate Judge Feldman is adopted in its entirety and, for the reasons stated therein, defendants' motion for summary judgment is granted in part and denied in part. Specifically, defendants' motion to dismiss plaintiff's FMLA claim is

denied and their motion to dismiss plaintiff's claim for intentional infliction of emotional distress is granted.

The case is referred back to Magistrate Judge Feldman for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 1, 2007